

ORDINANCE NO. 20050728-Z010

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT ANDERSON MILL ROAD AT SWAN DRIVE FROM TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT, NEIGHBORHOOD COMMERCIAL (LR) DISTRICT AND COMMUNITY COMMERCIAL (GR) DISTRICT TO COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts from townhouse and condominium residence (SF-6) district, neighborhood commercial (LR) district and community commercial (GR) district to community commercial district-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-04-0186, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: A 4.181 acre tract of land, more or less (also identified as Lot 1), out of the W.M. Frampton Survey, the S.A. and M.G.R.R. Survey, the J.V. Agee Survey and the James C. Irvine Survey, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and,

Tract Two: A 1.621 acre tract of land, more or less (also identified as Lot 2), out of the S.A. and M.G.R.R. Abstract, the J.V. Agee Survey and the James C. Irvine Survey, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as the property at Anderson Mill Road at Swan Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of Tract One (Lot 1):

Automotive repair services
Bail bond services

Automotive washing (of any type)
Commercial off-street parking

Drop-off recycling collection facilities
Funeral services
Off-site accessory parking
Theater
Guidance services

Exterminating services
Hotel/motel
Pawn shop services
Residential treatment

2. The following uses are prohibited uses of Tract Two (Lot 2):

Automotive rentals
Automotive repair services
Bail bond services
Drop-off recycling collection facilities
Funeral services
Off-site accessory parking
Residential treatment
Guidance services

Automotive sales
Automotive washing (of any type)
Commercial off-street parking
Exterminating services
Hotel/motel
Pawn shop services
Indoor sports and recreation

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on August 8, 2005.

PASSED AND APPROVED

July 28, 2005

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§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk

TITLE SURVEY OF 4.181 ACRES

ATS Job # 0407185.0

A DESCRIPTION OF 4.181 ACRES OF LAND LYING AND SITUATED IN THE W.M. FRAMPTON SURVEY, ABSTRACT NO. 230, THE S.A. AND M.G.R.R., ABSTRACT NO. 748, THE J.V. AGEY SURVEY NO. 81, ABSTRACT NO. 2530, AND THE JAMES C. IRVINE SURVEY NO. 122, ABSTRACT NO. 427, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF A 9.1 ACRE REMAINDER OF THAT CERTAIN 43.918 ACRE TRACT OF LAND CONVEYED TO BETHANY UNITED METHODIST CHURCH FROM RESOLUTION TRUST CORPORATION BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN OF RECORD IN VOLUME 11728, PAGE 1073 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a 1/2" iron rod found on the east right-of-way line of Swan Drive (64' ROW) at the northwest corner of Lot 55, Block B, Balcones Greene Subdivision, Section One as recorded in Book 84, Page 370 of the Plat Records of Travis County, Texas, also being the southwest corner of said 9.1 acre remainder;

THENCE, N02°30'25"E with the common east right-of-way line of Swan Drive, and the west line of said 9.1 acre remainder, a distance of 173.95 feet to a 1/2" iron rod set w/cop marked "ATS" for the southwest corner of the herein described 4.181 acres tract and the POINT OF BEGINNING;

THENCE, continuing with said east right-of-way line of Swan Drive, and the west line of said 9.1 acre remainder, N02°30'25"E a distance of 392.31 feet to a 1/2" iron rod found for a point of curvature to the right;

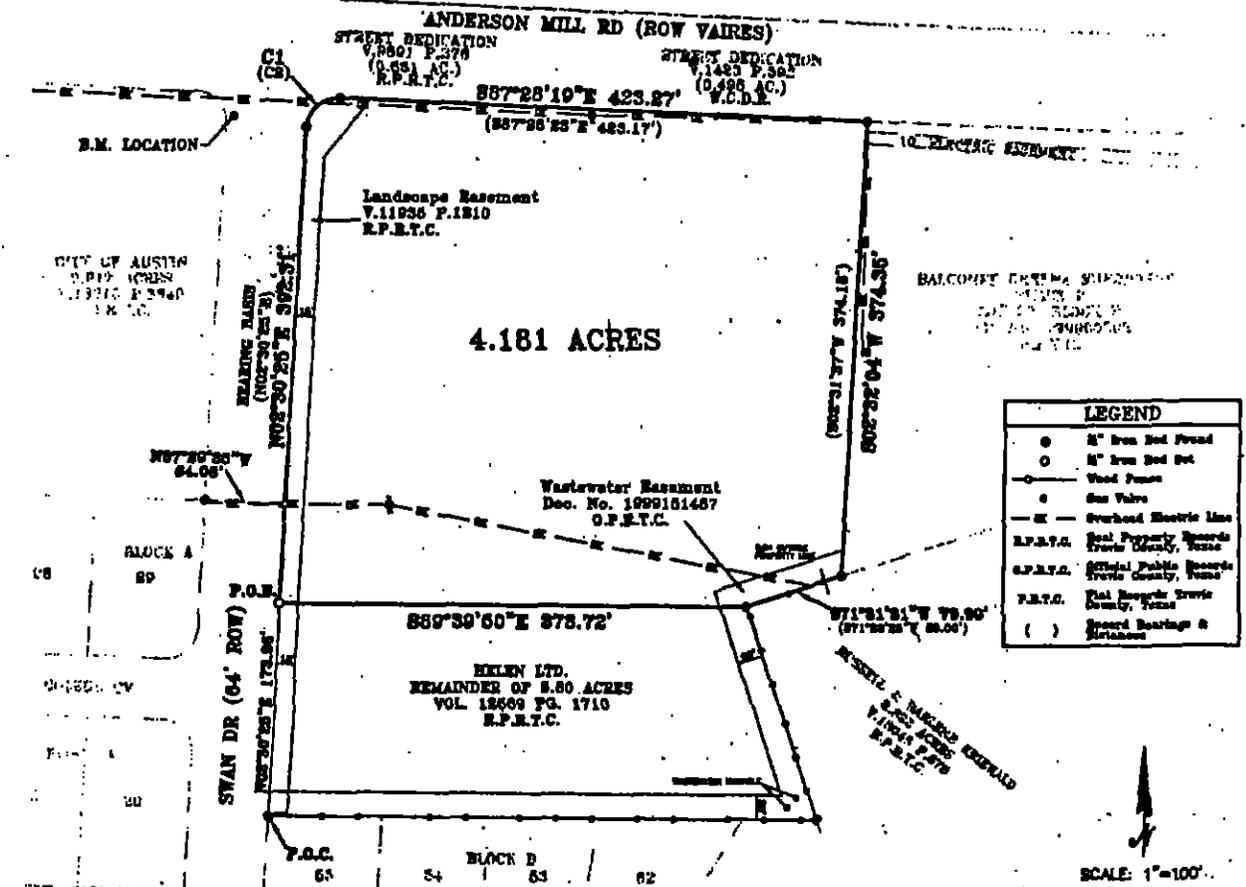
THENCE, along the arc of said curve to the right a distance of 39.32 feet, said curve having a central angle 90°08'19", a radius of 25.06 feet, and a chord which bears N47°34'47"E for a distance of 35.39 feet to a 1/2" iron rod found in the south line of Anderson Mill Road (R.O.W. varies) for a north easterly corner of said 9.801 acre tract, also being the south line of a 0.831 acre tract street dedication conveyed to the public by deed of record in Volume 8891, page 278 of the Real Property Records of Travis County, Texas, and also a north easterly corner of said 9.1 acre remainder;

THENCE, S87°28'19"E along the common south right-of-way line of Anderson Mill Road, the south line of the 0.831 acre tract and the north line of both said 4.181 acre tract and said 9.1 acre remainder a distance 423.27 feet to a 1/2" iron rod found for the northeast corner of this tract;

THENCE, S02°32'04"W leaving said south Anderson Mill Road right-of-way, along the common east line of said 9.801 acre tract, the west line of Lot 57, Block B, of Balcones Greene Subdivision, Phase 2, as recorded in document number 189900202 of the Official Public Records of Travis County, Texas, a distance of 374.35 feet to a 1/2" iron rod found in the common north line of a 2.832 acre tract conveyed to Russell & Darlene Kiewald as recorded in Volume 13048, page 878 of the Real Property Records of Travis County, Texas, and the east line of the said 9.1 acre remainder for the southeast corner of this tract;

THENCE, S71°31'31"W continuing along the said common north line of said 2.832 acre tract, and the east line of said 9.1 acre remainder a distance of 79.99 feet to a 1/2" iron rod found for an interior ell corner of said 9.1 acre remainder, also being the northwest corner of said 2.832 acre tract, also being an interior ell corner of this tract;

THENCE, leaving the east line of said 9.1 acre remainder and the north line of said 2.832 acre tract, over and across said 9.1 acre remainder tract, N89°39'50"W a distance of 373.72 feet to the POINT OF BEGINNING and containing 4.181-acres of land, more or less.



I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

NUMBER	RADIUS	CHORD DIRECTION	ARC LENGTH	CHORD LENGTH	DELTA ANGLE
C1	25.06	N 47°34'47" E	39.32	35.39	90°08'19"
C2	25.00	N 47°31'12" E	39.27	35.38	90°00'54"

NOTES:
All easements referenced in GF No. 040788 as provided by Chicago Title Insurance Company and Heritage Title Company of Austin, Inc. are shown hereon.

Paul Utterback
Paul Utterback, RPLS No. 5738
Client: Pohl-Brown
Date of Field Work: 8/2/2004
Field: RW, JC, CT
Tech: DClark
Date Drawn: 07/08/2005
Path: Projects/4000/Pohl Brown/Helen.Ltd/plat/lot1.dwg



EXHIBIT A

AT&S Engineers Inspectors & Surveyors
www.at-and-s.com
4011 ONE CHURCH ROAD, SUITE 200
AUSTIN, TEXAS 78704
737.452.2222
FAX 737.452.2222

TITLE SURVEY OF 1.621 ACRES

ATS Job # 0407185.0

A DESCRIPTION OF 1.621 ACRES OF LAND LYING AND SITUATED IN THE S.A. AND M.G.R.R. SURVEY No. 800, ABSTRACT No. 748; THE J.V. AGEЕ SURVEY No. 122, ABSTRACT No. 2830; AND THE JAMES C. IRVINE SURVEY No. 122, ABSTRACT No. 427, TRAVIS COUNTY, TEXAS SAME BEING A PORTION OF 5.800 ACRE TRACT CONVEYED TO HELEN LTD., BY DEED RECORDED IN VOLUME 12569, PAGE 1710 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

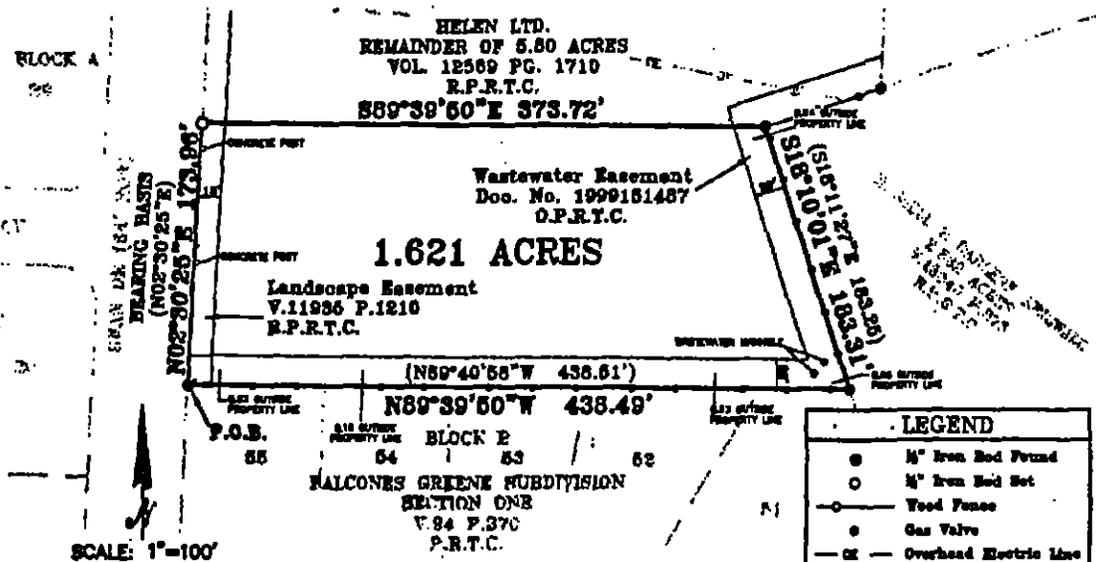
BEGINNING at a 1/2" Iron rod found on the east right-of-way line of Swan Drive (64' ROW) at the northwest corner of Lot 55, Block B, Balcones Greene Subdivision, Section One as recorded in Book 94, Page 370 of the Plat Records of Travis County, Texas, also being the southwest corner of said 5.800 acre tract, for the southwest corner of the herein described 1.621 acre tract;

THENCE, continuing with east right-of-way line of Swan Drive, also being the west line of said 5.800 acre tract, N82°30'25"E a distance of 173.96 feet to a 1/2" Iron rod with cap reading 'ATS-Engineers' set for the northwest corner of this tract;

THENCE, leaving said east right-of-way line and traveling across said 5.800 acre tract S89°39'50"E a distance of 373.72 feet to the east line of the said 5.800 acre tract also being in the west line of the Russell and Doriene Kriewald 2.832 acre tract, as recorded in Volume 13048, Page 878 of the Real Property Records of Travis County, Texas for a 1/2" Iron rod with cap reading 'ATS-Engineers' set for the northeast corner of this tract;

THENCE, continuing on east line of said 5.800 acre tract, also being the west line of said 2.832 acre tract, S18°10'01"E a distance of 183.31 feet to a 1/2" Iron rod found for the southeast corner of the said 5.800 acre tract and also an angle point in northeast line of lot 51, Block B, of said Balcones Greene Subdivision, Section One, for the southeast corner of this tract;

THENCE, with the north lines of lots 51, 52, 53, 54 and 55 of said Balcones Greene Subdivision, Section One, same being the south line of said 5.800 acre tract, N89°39'50"W a distance of 438.49 feet to the POINT OF BEGINNING and containing 1.621-acres (70,598 square feet) of land, more or less.



NOTES:
All easements referenced in GF No. 040768 as provided by Chicago Title Insurance Company and Heritage Title Company of Austin, Inc. are shown hereon.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

Paul Utterback
Paul Utterback, RPLS No. 5738
Client: Pohl-Brown
Date of Field Work: 9/2/2004
Field: RM, JC, CT
Tech: DClark
Date Drawn: 10/18/2004
Path: Projects/4000/Pohl Brown/HelenLtd/plat/lot2.dwg



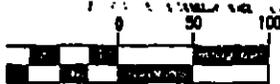
EXHIBIT B

ellen mentz's
ATS
Engineers
Inspectors
& Surveyors

www.ats-engineers.com

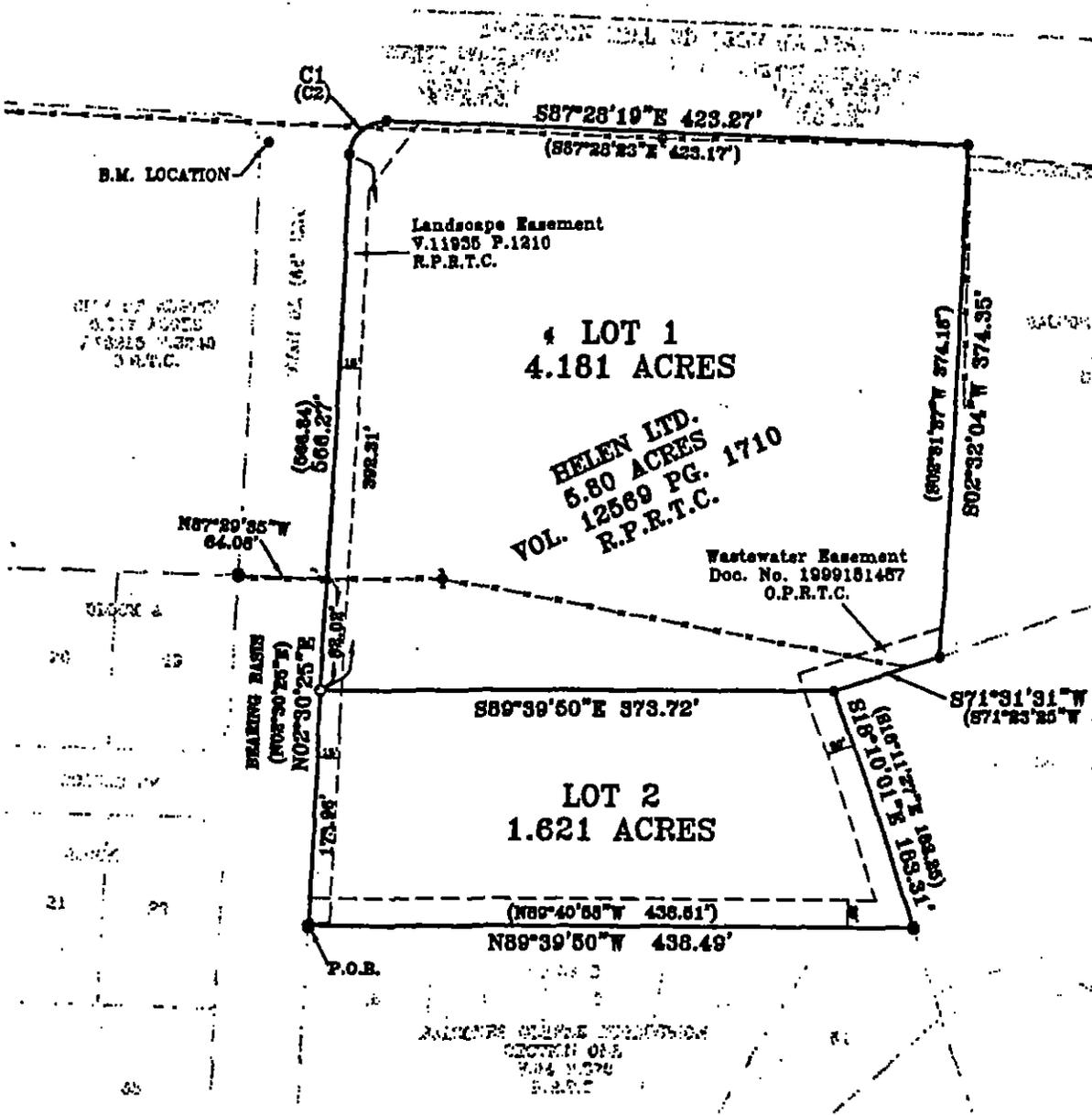
4011 SHELL COAST ROAD, STE 100
AUSTIN, TEXAS 78748
(712) 282-0000
FAX: (712) 282-0000

2622 W. LITTLE YORK, STE 400
DALLAS, TEXAS 75240
(214) 352-0000
FAX: (214) 352-0000



(IN FEET)
1 inch = 100 ft.

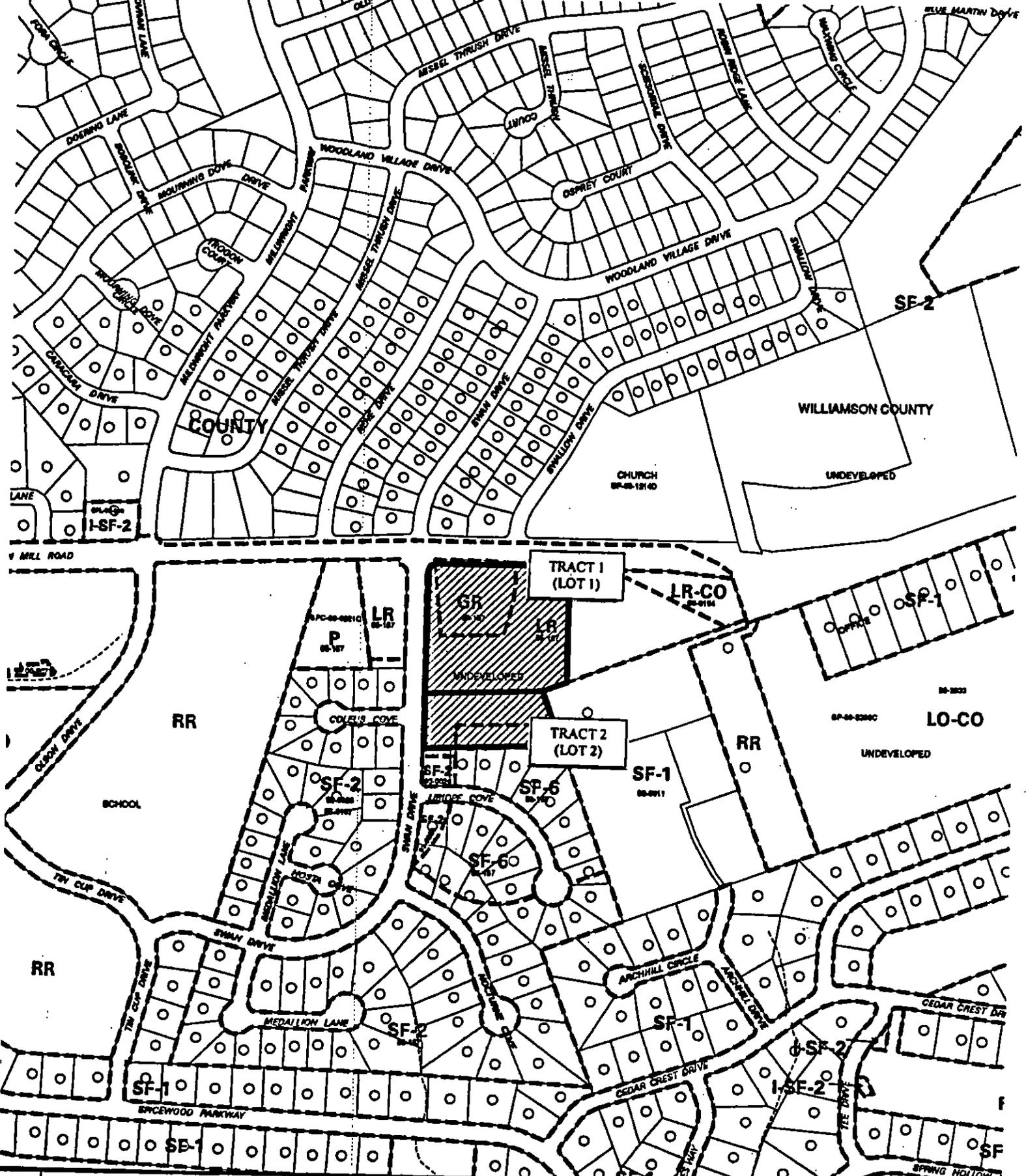
BENCHMARK NOTE:
Anderson Mill Road at Swan Drive, sou
corner of intersection, 3" brass disk
of curb. Elevation = 933.31'.
Source: COA Public Works



SKETCH FOR EXHIBITS A+B

NUMBER	RADIUS	CHORD DIRECTION	ARC LENGTH	CHORD LENGTH	DELTA ANGL
C1	25.00	N 47°34'47" E	39.32	35.39	90°06'19"
C2	25.00	N 47°31'12" E	39.27	35.36	90°00'54"

R.P.R.T.C.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
W.C.D.R.	WILLIAMSON COUNTY, TEXAS DEED RECORDS
D.R.T.C.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



 -400'	SUBJECT TRACT	ZONING EXHIBIT C		CITY GRID REFERENCE NUMBER F37
	PENDING CASE			
ZONING BOUNDARY	CASE #: C14-04-0186		DATE: 05-07	
CASE MGR: S. GAGER	ADDRESS: ANDERSON MILL RD @ SWAN		INTLS: SM	
	SUBJECT AREA (acres): 5.810			